

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, DC 20554

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Federal Communications Commission
Office of Secretary

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MEDIA BUREAU

In the Matter of

Amendment of Section 73.202(b)
 Table of Allotments
 FM Broadcast Stations
 (Yuba City and Lincoln, California)

)
) MB Docket No. 04-24
) RM - 10846
)

To: Chief, Audio Division
 Media Bureau

AMENDED PETITION FOR RULE MAKING

Harlan Communications, Inc. ("HCI"), licensee of Station KXCL(FM), Yuba City, California,¹ by its counsel, hereby amends its petition for rule making, filed on June 11, 2003, requesting that the Commission delete Channel 280B1 at Yuba City, California and allot Channel 280A to Lincoln, California as that community's first local service, for use by KXCL. This amendment modifies the reference coordinates requested for the new Channel 280A allotment at Lincoln, and is otherwise substantially the same as the original petition. HCI restates that if the petition is granted, it will file an application for Channel 280A at Lincoln and will construct the authorized facilities if its application is granted.

A. Technical Analysis

1. As demonstrated in the Engineering Statement, Channel 280A can be allotted to Lincoln, California at amended coordinates 38-54-45 North Latitude, 121-23-20 West Longitude consistent with Section 73.207 of the Commission's Rules. See Technical Narrative, Figure 1A. A Class A 70 dBu signal can be provided to Lincoln from the amended reference point. See

¹ On August 29, 2003, HCI filed an application to assign the license of KXCL to First Broadcasting Investment Partners, LLC ("FBIP"). File No. 20030829AZC. Accordingly, FBIP is represented through its counsel in this Amended Petition for Rule Making.

Figure 1B. The relocation of KXCL to Lincoln will result in a net gain in population of 296,111 persons within the 60 dBu contour of the station. See Figure 6. No underserved areas will exist as a result of the deletion of Channel 280B1 from Yuba City. See Figures 4-5. The entire loss area will continue to enjoy at least five local services. *Id.*

B. Change in Community of License

2. HCI desires to change the community of license of Station KXCL from Yuba City to Lincoln under the guidelines set forth in *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 3870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990) ("Community of License"). There, the Commission stated that a station may change its community of license without subjecting the license to other expressions of interest if (1) the proposed allotment is mutually exclusive with the current allotment; (2) the current community of license will not be deprived of its only local service; and (3) the proposed arrangement of allotments is preferred under the Commission's allotment priorities. These criteria are met here. First, the proposed use of Channel 280A at Lincoln is mutually exclusive with the current use of Channel 280B1 at Yuba City. See Exhibit E, Figure 1. Second, Yuba City will not be deprived of its only local service because it will continue to be served by Stations KOBO(AM) and KUBA(AM). Third, the provision of a first local service at Lincoln (2000 population 11,205) under Priority 3 will result in a preferential arrangement of allotments over the retention of a third local service at Yuba City (2000 population 36,758) under Priority 4. See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

3. Lincoln is not located in an Urbanized Area and the proposed 70 dBu contour of KXCL will cover less than 50% of any Urbanized Area. See Technical Narrative, Figure 2. This

avoids any concern with the relocation of stations from rural to urbanized areas. *See Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1955). The City of Lincoln is amply deserving of a first local service, as demonstrated in HCI's petition for rule making as originally filed on June 11, 2003 and accompanying materials.

II. CONCLUSION

Grant of this petition is in the public interest because Lincoln, California will receive its first local service, with a net gain in population served of nearly 300,000 persons. HCI reiterates that if the Commission grants this petition, it will file an application and construct the authorized facilities. The Commission should promptly issue a Notice of Proposed Rule Making as described herein.

Respectfully submitted,

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Its Co-Counsel

September 9, 2003

TECHNICAL EXHIBIT
IN SUPPORT OF
A PETITION FOR RULE MAKING
TO AMEND THE FM TABLE OF ALLOTMENTS
LINCOLN, CALIFORNIA

Technical Narrative

This Technical Narrative and associated exhibits have been prepared on behalf of FM station KXCL(FM) (herein "Petitioner") in support of a Petition for Rule Making ("Petition") to amend Section 73.202(b) by the reallocation of Channel 280B1 from Yuba City, California to Lincoln, California, reclassification from Class B1 to A and the modification of the license of KXCL(FM) on Channel 280B1 at Yuba City, California, accordingly (BLH-19940412KZ). As the requested change to Channel 280A at Lincoln is mutually exclusive with the present allotment of Channel 280B1 at Yuba City, Petitioner invokes the provisions of Section 1.420(i).

The following is a summary of the reallocation proposal:

- The city of Lincoln, California (2000 Census population 11,205) will be provided with its first local aural transmission service.
- Yuba City will continue to be provided local aural service by two licensed fulltime AM broadcast stations.
- The number of persons within the KXCL(FM) 1 mV/m contour will increase from 167,145 persons to 463,256 persons, and there will be a "net" increase in 1 mV/m coverage of 296,111 persons.
- Lincoln is located outside of the Sacramento Urbanized area as defined by the 2000 U.S. Census; and the proposed 70 dBu contour of the proposal will encompass only 1.8% of the Sacramento urbanized area.
- Both gain and loss areas are considered to be well-served.

Proposed Change in Table of Allotments

Station KXCL(FM) is currently licensed to operate on channel 280B1 at Yuba City with an effective radiated power (ERP) of 0.51 kW and an antenna height above average terrain (HAAT) of 617 meters. Yuba City is located in Sutter County, California and has a 2000 U.S. Census population of 36,758 persons. In addition to the KXCL(FM) allotment, there are two fulltime AM broadcast services licensed to Yuba City. These are KOBO(AM) and KUBA(AM). *

Lincoln is located in Placer County and has a 2000 U.S. Census population of 11,205 persons. Lincoln has no local FM or AM services and, therefore, Petitioner's proposal would bring the first local aural broadcast service to Lincoln.

The proposed change in the FCC Table of FM Allotments is summarized as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Lincoln, California	--	280A
Yuba City, California	280B1	--

Compliance With FCC Rules

The attached Figure 1A is a tabulation of required separations pertinent to use of channel 280A at Lincoln. The reference site complies with the Commission's minimum distance separation requirements contained in section 73.207 to all existing, authorized and proposed stations and allotments. Operation from the allotment reference site will provide the requisite city grade signal to all of Lincoln.[†]

Figure 1B is a map showing the area to locate Channel 280A at Lincoln in compliance with the Commission's minimum distance separation requirements and city coverage

* KOBO(AM), Yuba City, CA, 1450 kHz, 0.5 kW-N, 1 kW-D, U; and KUBA(AM), Yuba City, CA, 1600 kHz, 2.5 kW-N, 5 kW-D, U, DA-N.

[†] The reference site coordinates for the proposed allotment are: N38-54-45 / W121-23-20.

requirements based on maximum Class A facilities (ERP 6 kW/HAAT 100 m). The Lincoln city limits shown on Figure 1B were obtained from a map contained in the 2000 U.S. Census of Population.

Pursuant to Section 1.420(i), the Commission will consider petitions to modify the license/construction permit of an FM station to specify a new community if the proposed allotment would be mutually exclusive with the present assignment. As the entire area to locate for channel 280A at Lincoln depicted on Figure 1B would be short-spaced to the licensed KXCL(FM) operation on channel 280B1, including the channel 280A reference site, the new allotment is mutually exclusive with the existing allotment.

Urbanized Area Considerations

Lincoln is located adjacent to, but is not included within, the Sacramento Urbanized Area.^{*} The proposed 70 dBu contour for the proposed channel 280A operation at Lincoln will encompass 1.8% of the Sacramento Urbanized Area. Figure 2 is a map illustrating the Sacramento Urbanized Area and the 70 dBu coverage of the subject facilities.

Gain and Loss Areas and Available Aural Services

Figure 3, attached, is a map showing the FM 1 mV/m primary service contours for the licensed KXCL(FM) operation on Channel 280B1 at Yuba City, and the proposed KXCL(FM) channel 280A allotment at Lincoln. Maximum facilities for each class and uniform terrain were utilized. The 1 mV/m "gain" and "loss" areas are also indicated.

Figure 4, attached, is a map showing the other aural (AM, FM) services available to the areas within the subject

^{*} Yuba City is a part of the Yuba City Urbanized Area, which is entirely separate from the Sacramento Urbanized Area.

1 mV/m contours.⁵ Figure 5 is a tabulation of the AM and FM stations whose contours are shown on Figure 4. For FM stations the 1 mV/m contour is depicted; and for AM stations, since all are Class A, the nighttime 0.5 mV/m groundwave contour was employed. The letters identify the AM and FM service contours of stations tabulated on Figure 5. Numbers indicate the number of available aural services.

As shown on Figure 4, the entire gain and loss areas will continue to receive at least 5 other aural services and are considered to be "well served".

Population and Area within Gain and Loss Areas

Figure 6 is a tabulation of the land areas and estimated populations within the 1 mV/m FM primary service contours for the licensed KXCL(FM) operation on Channel 280B1 at Yuba City and the proposed Channel 280A allotment at Lincoln. Also tabulated are the gain, loss and "net" gain areas and the results of the reception service analyses for these areas.

Coverage Contours

The FM predicted coverage contours were calculated in accordance with the provisions of Section 73.313, except that uniform terrain was presumed in all directions. Distances to AM contours were based on either nondirectional radiation pattern values or standard radiation pattern values obtained from the FCC's AM database. FCC Figure M-3 conductivity employed along all azimuths.

⁵The determination of available reception services was based on the criteria set forth in footnote 1 of the Notice of Proposed Rule Making in MM Docket No. 96-219 (DA 96-1774; adopted October 25, 1996, released November 1, 1996).

^{**} See Report and Order in MM Docket No. 97-242 (RM-9192, DA 98-190) at paragraph 3 (loss area will continue to receive at least three full time aural services which is considered to be well served).

Population and Area

The population within each FM primary service contour (1 mV/m) and each gain, loss, reception and interference area was calculated using a computer program that utilizes the 2000 U.S. Census database of "population block centroids". The program adds the populations of those U.S. Census designated areas whose centroid was within each service area. The area within each FM primary service contour was calculated using a root mean square algorithm.

Conclusion

Channel 280 can be allotted from Yuba City to Lincoln, California in compliance with all applicable Commission Rules. The proposal will result in first local aural service to Lincoln, while two local fulltime AM broadcast services remain in Yuba City. The number of persons within the KXCL(FM) 1 mV/m contour will increase from 167,145 persons to 463,256 persons, and there will be a "net" increase in 1 mV/m coverage to 296,111 persons. The proposal will not create any unserved or underserved loss area. Therefore, Petitioner requests the reallocation of Channel 280A to Lincoln and the modification of the Petitioner's license to specify operation on Channel 280A at Lincoln.

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August 27, 2003

CDBS FM SEPARATION STUDY

Job Title: Proposed KXCL, Lincoln, CA
Channel: 280 A

Separation Buffer: 50 km
Coordinates: 385445 1212320

Call Id	City St	File Status Num	Channel Freq	ERP HAAT	DA Id	Latitude Longitude	73 215	Bear	Dist. (km)	Req. (km) 215 207
970814 87969	GRASS VALLE CA CP	BPH C 19970814MO	277 A 103.3	0.500 329	N	39-14-45 120-57-56	Y	44.5	52.07 21.07	25.0 Clear
KBMB 20435	SACRAMENTO CA LIC	BLH C 20000128AAE	278 A 103.5	6.000 95	Y 15774	38-33-59 121-28-47	N	191.6	39.22 8.22	25.0 Close
KODS 2103	CARNELIAN CA LIC	B BLH C 19880930KD	279 C1 103.7	6.300 910	N	39-18-38 119-53-01	N	70.7	137.49 4.49	111.0 Close
KKSF 65484	SAN FRANCISCO CA LIC	BLH C 19990113KB	279 B 103.7	7.200 461		37-45-19 122-27-06	N	216.1	158.54 45.54	96.0 Clear
0	LINCOLN CA ADD	RM C bg-59	280 A 103.9	0.000		38-54-31 121-23-09		148.6	0.51 -114.49	92.0 Short ¹
KXCL 56366	YUBA CITY CA APP	BPH C 20030422ABB	280 B1 103.9	25.000 100	N	39-02-45 121-28-39	N	332.7	16.67 -126.33	119.0 Short ²
KXCL 56366	YUBA CITY CA LIC	BLH C 19940412K2	280 B1 103.9	0.510 617	N	39-12-20 121-49-10	N	311.4	49.47 -93.53	119.0 Short ³
0	YUBA CITY CA DEL	RM C bg-59	280 B1 103.9	0.000		38-12-20 121-49-10		205.6	86.99 -56.01	119.0 Short ⁴
KHKK 11240	MODESTO CA LIC	BLH C 7721	281 B 104.1	50.000 152	N	37-39-10 121-28-38	N	183.2	140.04 27.04	96.0 Clear
KRRE 53653	DAVIS CA LIC	BLH C 20030218AAQ	282 A 104.3	3.400 133	N	38-39-26 121-43-12	N	225.4	40.38 9.38	25.0 Close
KDOT 38457	RENO NV LIC	BMLH C 19950831KA	283 C 104.5	25.000 893	N	39-18-48 119-52-59	N	70.6	137.63 42.63	89.0 Clear

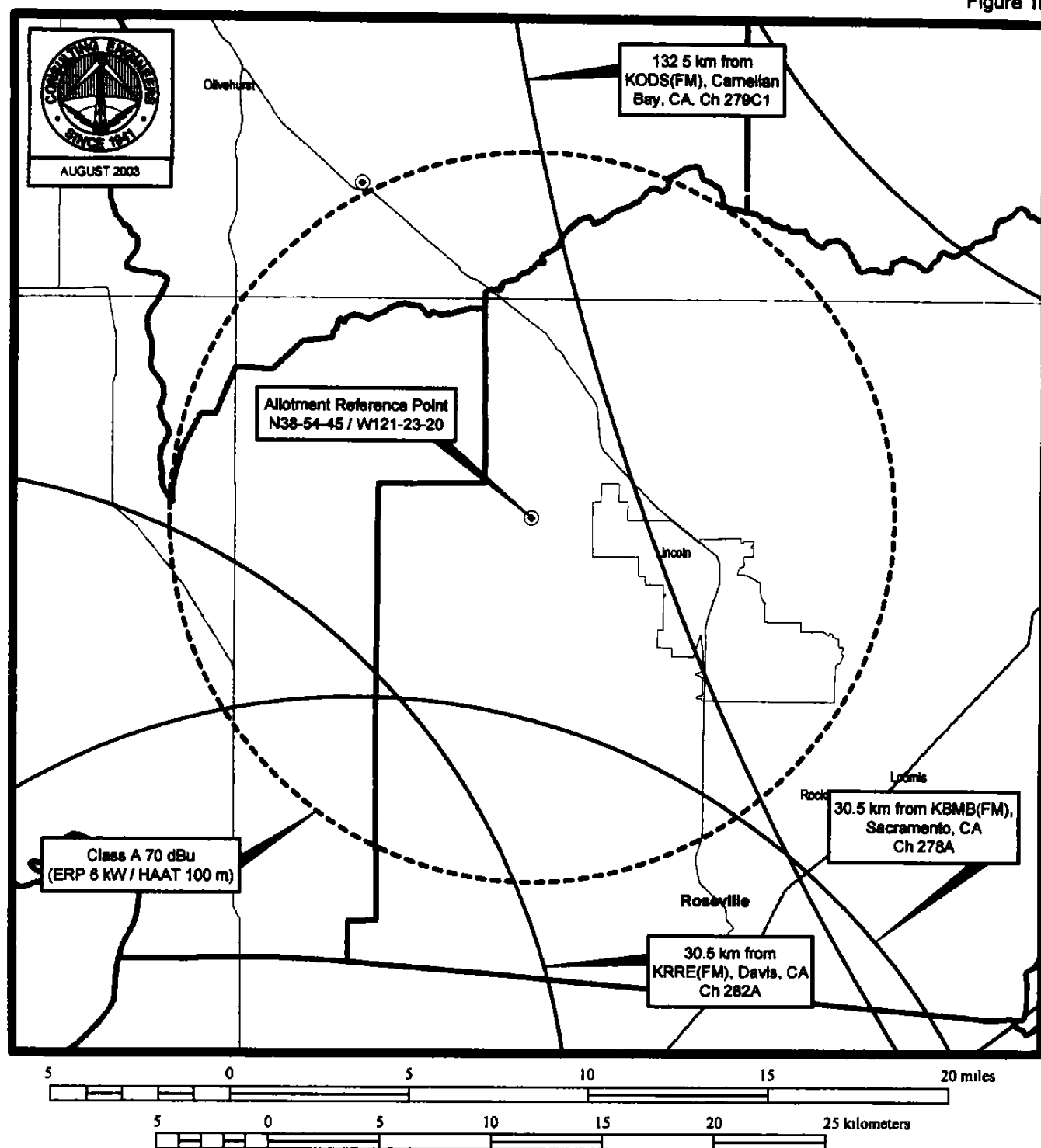
¹ Original Petition for Rule Making filed for Lincoln, California.

² As amended.

³ Proponent's licensed facility at Yuba City, California.

⁴ Original Petition for Rule Making filed for Lincoln, California.

Figure 1B

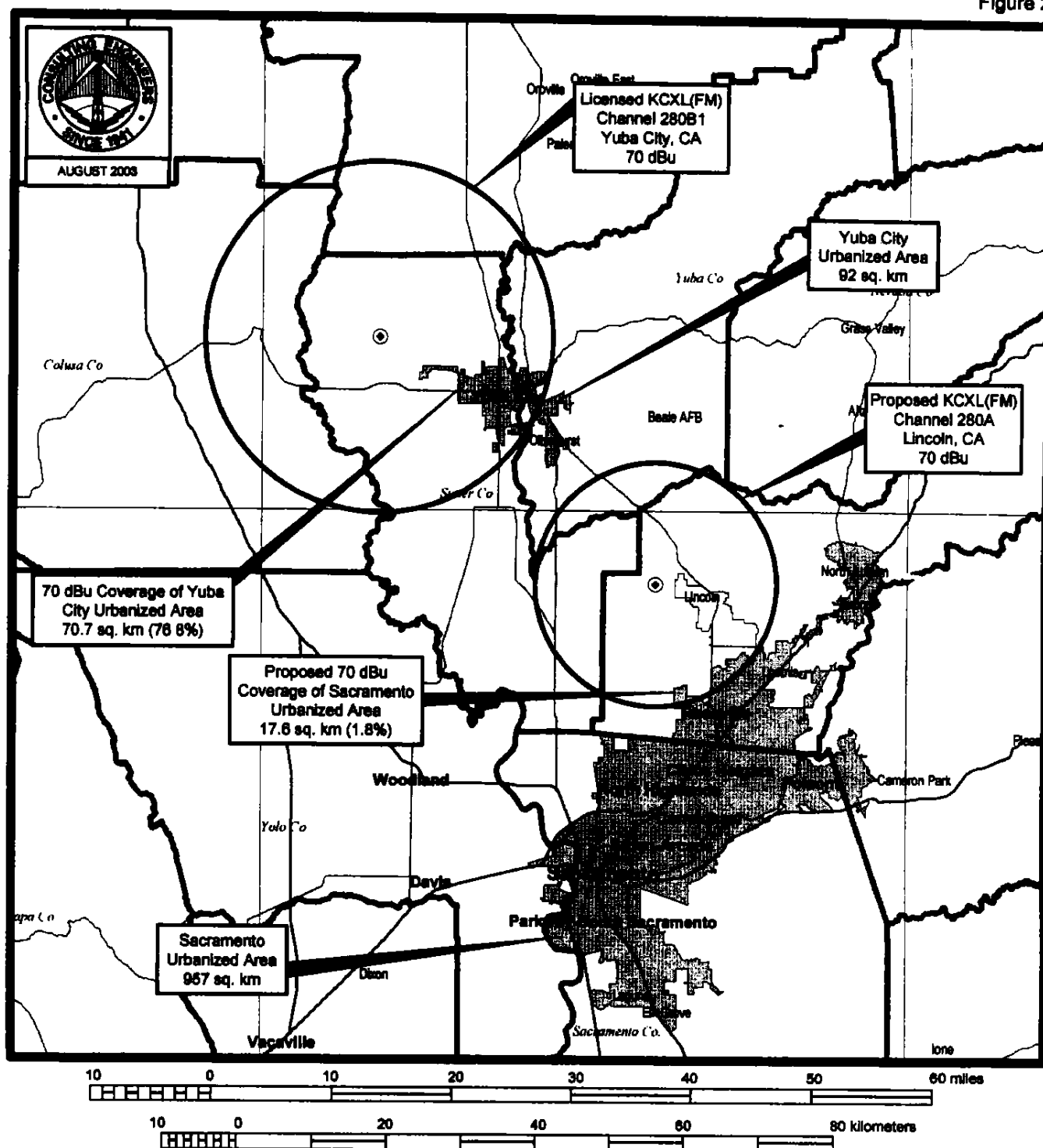


AREA-TO-LOCATE

STATION KXCL(FM)
LINCOLN, CALIFORNIA
CHANNEL 280A

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 2



70 dBu COVERAGE OF URBANIZED AREA

STATION KXCL(FM)
LINCOLN, CALIFORNIA
CHANNEL 280A

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

The map displays the Yuba City area and surrounding regions in California. It includes the following information:

- Proposed Station:** KXCL(FM) Channel 280A, Lincoln, CA, 60 dBu.
- Existing Station:** KXCL(FM) Channel 280B1, Yuba City, CA, 60 dBu.
- Station ID's:** PP, QQ, and RR encompass the entire gain/loss area.
- Geographic Features:** Major cities (Yuba City, Lincoln, Woodland, Sacramento, etc.), counties (Butte Co, Yuba Co, Sutter Co, Yolo Co, etc.), and highways (94, 99, 205, etc.) are labeled.
- Map Elements:** A compass rose, a scale bar (0 to 60 miles and 0 to 80 kilometers), and a legend for station types (Proposed, Existing, etc.) are included.

**STATION KXCL(FM)
LINCOLN, CALIFORNIA
CHANNEL 280A**

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

STATION KXCL (FM)
LINCOLN, CALIFORNIA
CHANNEL 280A

FM Stations

<u>ID</u>	<u>Channel</u>	<u>Call Sign</u>	<u>City</u>	<u>State</u>	<u>ERP</u>	<u>HAAT</u>
A	201	KEDR	SACRAMENTO	CA	8.4	303
B	202	KLVC	MAGALIA	CA	5.7	420
C	204	KXJS	SUTTER	CA	0.545	603
D	205	KXJZ	SACRAMENTO	CA	50	150
E	206	KHAP	CHICO	CA	12	87
F	207	KQEI-F	NORTH HIGHLANDS	CA	3.1	108
G	208	KVMR	NEVADA CITY	CA	1.75	345
H	211	KZFR	CHICO	CA	6.3	179
I	215	KXPR	SACRAMENTO	CA	50	147
J	218	KYDS	SACRAMENTO	CA	0.41	33
K	219	KCHO	CHICO	CA	7.7	372
L	221	KZSA	PLACERVILLE	CA	1.85	127
M	223	KGBY	SACRAMENTO	CA	50	137
N	229	KXOA	ROSEVILLE	CA	25	100
O	231	KNCO-F	GRASS VALLEY	CA	0.66	299
P	234	KSSJ	FAIR OAKS	CA	25	99
Q	236	KMXI	CHICO	CA	8.7	357
R	241	KYMX	SACRAMENTO	CA	50	145
S	245	KSEG	SACRAMENTO	CA	50	152
T	249	KHHZ	OROVILLE	CA	1.5	389
U	250	KTTA	ESPARTO	CA	6	100
V	253	KRXQ	SACRAMENTO	CA	50	151
W	256	KARA	WILLIAMS	CA	0.9	33
X	257	KLVS	GRASS VALLEY	CA	13	142
Y	260	KRCX-F	MARYSVILLE	CA	1.75	665
Z	263	KZZO	SACRAMENTO	CA	115	100
AA	266	KHYL	AUBURN	CA	36	176
BB	268	KMJE	GRIDLEY	CA	0.14	602
CC	270	KCCL-F	SHINGLE SPRINGS	CA	47	154
DD	273	KSFM	WOODLAND	CA	50	152
EE	276	KKCY	COLUSA	CA	0.135	599
FF	277	970814	GRASS VALLEY	CA	0.5	329
GG	278	KBMB	SACRAMENTO	CA	6	95
HH	282	KRRE	DAVIS	CA	3.4	133
II	285	KYIX	SOUTH OROVILLE	CA	0.26	472
JJ	286	KNCI	SACRAMENTO	CA	50	152
KK	288	KKFS	DUNNIGAN	CA	2.55	308
LL	292	KCHC	WILLOWS	CA	6	100
MM	293	KWOD	SACRAMENTO	CA	50	125

STATION KXCL (FM)
LINCOLN, CALIFORNIA
CHANNEL 280A

<u>ID</u>	<u>Channel</u>	<u>Call Sign</u>	<u>City</u>	<u>State</u>	<u>ERP</u>	<u>HAAT</u>
NN	298	KQPT	COLUSA	CA	28	193
OO	300	KDND	SACRAMENTO	CA	50	123

AM Stations

<u>ID</u>	<u>Frequency</u>	<u>Call Sign</u>	<u>City</u>	<u>State</u>	<u>Power</u>
PP	680 kHz	KNBR	SAN FRANCISCO	CA	50
QQ	810 kHz	KGO	SAN FRANCISCO	CA	50
RR	1530 kHz	KFBK	SACRAMENTO	CA	50

Figure 6

LINCOLN, CALIFORNIA
CHANNEL 280A

Tabulation of Areas, Populations
And Reception Services Within 1 mV/m Coverage Contours

I. Population and Land Area Within 1 mV/m Contours

Facilities	Within 1 mV/m Contour	
	2000 Census Population	Area (km ²)
Authorized Ch 280B1 Yuba City, CA	167,145	4,802
Proposed Ch 280A Lincoln, CA	463,256	2,498

II. Population and Land Area Within Gain and Loss Areas

Area	Within 1 mV/m Contour	
	2000 Census Population	Area (km ²)
Gain	433,668	1,949
Loss	137,557	4,253
"Net" Gain	+296,111	-2,304

III. Available Reception Services Within Gain and Loss Areas

Area	No. of Services	Within 1 mV/m Contour	
		2000 Census Population	Area (km ²)
Gain	5 or more	433,668	1,949
Total		433,668	1,949

Area	No. of Services	Within 1 mV/m Contour	
		2000 Census Population	Area (km ²)
Loss	5 or more	137,557	4,253
Total		137,557	4,253